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REFERENCE

CIVLR 5.4.71 (M11)
(Rule Number/Section)

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AUG 13 2025	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA DEPUTY	

In The United State District Court
For The District of Arizona

Samuel R. Bateman
Petitioner

Case No 3:22-CR-08092
SMB

vs

United States of America
Respondant

Motion To Withdraw

State of California
County of Adelanto

Below is True To the
best of my knowledge
1746

The above named defendant prose and
without counsel is requesting to withdraw
his plea of guilty Based on ineffective
Assistance of counsel and under contract
law and personel and subject matter
jurisdiction in the state of Arizona

The defendant entered into a contract
with the united states Attorneys office where
he agreed to plea guilty To Count (2)

Conspiracy to commit Transportation of a minor for criminal Sexual Activity in Violation of Title 18 United States Code Section 2423 (A) Transportation of a minor for criminal Sexual Activity The defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it in the District of Arizona and Elsewhere.

And (Count) (53) There was an agreement between two or more persons to commit a violation of Title 18 United States Code Section 1201 (A)(1) Kidnapping, That The defendant seized confined inveigled, decoyed kidnapped abducted or carried away Jane Doe 489 and drove across state line

The defendant entered into this agreement Based on poor advise from his attorney that was beyond In-effective Counsel his plea of guilty was the result of unethical targeting by his attorney Mr. Schneider and associates

and to be frank, the government the defendant's plea was not knowingly voluntarily or intelligently made its impossible see Document 521 Filed 6/21/24 TR pg 58(22) The discovery Deadline were Suspended See Strickland v. Washington 466 U.S. 668. 104 S. Ct 2052 (1984) (quoting United States v. Chronic it was In-effective assistance of Counsel for counsel to have defendant plead guilty before inspecting discovery. These actions cannot be strategic on the part of the Attorney and demanded a Re-Trial Mr. Bateman states

That his counsel's deficient performance deprived him of a Trial by causing him to accept a plea he explains to the courts that he has now seen some of the government case "and there a reasonable probability that but for counsel errors he would not have pleaded guilty. For example look at the transcripts and further investigation the defendant's Attorney stipulated to an illegal mandatory minimum of 20 yr Both counts carried 10 to life and 0-life the attorney stipulated to 20 yr mandatory that

is illegal only Congress can fix crimes and punishment. Here the court allowed the attorneys for the defense and the government to exceed punishment fix by Congress see Doc 521 TR pg 11 line 11-15 "No less than 20 no greater than 50 and there is no mention of (u)(c)(1) plea "Regardless only Congress can fix punishment. Mr Bateman contends had he seen the discovery he would have never accepted a guilty where he was gonna receive a life sentence. Mr Bateman is 49 yrs old and with a 50 yr sentence he will be 99 yrs old when he releases. Frankly he'll die in prison. So going to trial is more favorable than accepting a discriminatory sentence. Another example looking at the transcripts its very easy to see this, that his Attorney knew that they "government never proved mens-rea in this case look at Document 521 page (39) TR line 4 to 6 The Defendant stated "If it was possible but I wish there was a way we could take the word ordered

I dont force anybody to do anything,
which I dont"

The Court should have not accepted
the plea right there. his attorney
was further put on notice that his defendant
wasnt comfortable pleading guilty also
see Document 521 TR 16-21 his Attorney
convinces the court not to fix The wording

Mr. Schneider so heres my
perception I would ask if you start ---
open up a can of worms with him he's
going to equivocate on certain thing that
he doesn't like how it" Although its true"

His attorney told the
court his client was
guilty

"where gonna be here all day changing
words

The court should have never excepted
the guilty plea the record shows Mr.

Bateman resisting the plea
Furthermore

The attorney allowed the government to introduce acts by Jane Does none of which were included in his indictment. Furthermore There's a complete Jurisdictional issue in this matter first the defendant is not indicted, in any other State other than Arizona but his counsel has allowed committed in several other States not mentioned in the indictment. And most damaging included in this motion is the Arrest warrant that was not filed with the clerk until 73 days later. This Court never had subject or personal Jurisdiction to even except his plea.

The defendant, prior to his guilty plea requested all audio dash cam video police and body videos. The all calls all statements by the local and Federal government log reports All affidavits

in support of his arrest warrants," his plea was in violation of Strickland v. Washington 466. 104 S.Ct. 2052 80 LEd 2d 674 (quoting United States v. Chronic and the totality of the evidence against the defendant amounted to: Illegal Surveillance by local and federal Authorities and Journals from participants not victims and under State rules of evidence his case would have been thrown-out interesting the government weighed heavily on tainted evidence. See Won Sung v. United States" The government had no forensic evidence [DNA] that could implicate their theory.

The government must have had some independent Corroboration [They did NOT] the very fact that Mr Bateman never reviewed any discovery. He asked for voids his convictions and violates his rule (11) plea

A defendant has the burden of demonstrating that there was a fair and just reason for withdrawing his plea. See United States v. Jones 472 F3d 1136 9th Cir 2000.) The defendant

has shown that his rule (11) see submitted TR. Document 521 Colloquies was inadequate and that his attorneys were in-effective in several ways see United States v. Davis 429 F.3d 802 9th cir (quoting erroneously given advice rises to a level requiring the court to withdraw his Federal Sentence.

He further contends he had a conflict of interest with his prior attorneys. Because he was charged with transportation and Kidnapping of a minor children he was never charged directly with sexual assault on any of the minors. Further he's not charged with being a prophet occult leader or was he ever charged by indictment of being the president of Fundamentalists of later day saints. Because of the conflict between religions, his attorneys were very aggressive toward him and thru his case admitting his guilt against his objection is a violation of McCoy v. Louisiana that stated a defendant has the attorney to remain innocent Mr. Bateman objects to the use of the word "ordered"

Mr. Bateman submitted e-mails and Text messages from purported females who were alleged victims but they were not, and this Court was never made aware about an alibi defense all his former attorneys would do is argue for a plea

This is not your Typical case of in-effective assistance of counsel. even counsel had a personal Interest in the outcome Being one of religion if there was any wrong "which there wasn't was done under the ummberella of God [The united states attorneys office was very clear that this was not about religion however throughout these proceedings all that was mentioned was, In fact Mr Bateman was a self proclaimed occult Prophet "Another Warren Jeffs" or "Jim Jones" or your favorite Charles Manson who used his authority to mislead females of all ages to perform Sexual activities in the name of God or at least under his direction

The united states government

definitely breach thier agreement which the defendant No where did the defendant agree to plead to several counts of Sexual assault in 5 different states - He agreed to transportation and the plain truth as to count(53) none of the alleged victims where kidnapped according to the government theory. Females /any ones at that were more than willing Because he was a prophet.

Plea agreements amounts to and should be interpreted as, a contract" under State Contract Law see Ricketts v. Anderson 482 U.S. 513 107 S.Ct. 2680 97 LEd 2d 1 1987 The construction of the plea agreement and commitment a state enters into a plea agreement it is held to the most meticulous standards on both promise and performance - Here both were breached.

A Court initially determines whatever the language of the contract is un-Ambiguous if it is the contract will be enforced as written See.

See *Am First Fed credit union v. Solo* 131 Nev 737 739 359 p. 3d 105. 2015)
(quoting *Davis v. Beling* 128 Nev 301 278 p. 3d 501 512 (2012) As a defendant's liberties is at stake "the government is ordinarily held to literal terms of the plea agreement it made see *United States v. Packwood* 848 F.2d 1009 1012 (9th Cir 1988, so that its the government gets what it bargains for but nothing more see *United States vs. Transfigur Action* 442 F.3d 1222. 1228 9th Cir 2006) citing *United States v. Pouilly* 32 F.3d 431 433 9th Cir (1984) [THE], government is usually the drafter it bears the responsibilities for any lack of clarity see *United States v. Franco Lopez* 312 F.3d 984 9th Cir 2002) Stating that Ambiguities in the plea agreement are construed in favor of the defendant.

See United States vs. DelaFuenta 81 F.3d B33 9th Cir (1993) make sense in light of the parties respective bargain powers (guilty pleas and agreements are subject to general contract principles State vs. Couckett, 110 Nev. 838 842 877 (1994))

In with drawing his guilty plea the defendant told the court he wasn't comfortable with the wording or the narrative He was pressured into doing so with-out the benefit of discovery See Document 521 TR pg 58 line 17-23 its apparent the defendant plead guilty before he even seen his discovery in this matter

A guilty plea cannot be induced by mis-representation see US - vs. Sinnon 894 F.2d (quoting Brad) v. United States 397 us. 742 1970 (we have also held that a defendant who pleads guilty in reliance on his attorneys gross mis-clarification of a likely out

Out come of his case is entitled to
withdraw the plea of Based on
In-Effective Assistance of Counsel

In this case the defendant told
his attorneys he wanted to be provided
with the legal complaint that had
all the essential Facts constitutions
the public offense. Nothing was provided
and the transcripts provided not only
guidance but truth discovery was
never shown to this defendant. and
most damaging this court had no
Jurisdiction Either personally nor Subject
the warrant was Arrested on 9-13-22
The problem is the warrant wasn't
filed until 73 days later on Nov.
21st 2022 Signed Debra D. Lucas Clerk
of the courts violating Mr. Batemans
right to Fundamental due process
in this matter

Based on the Forgoing the defendant
request his plea of guilty under
Arizona State Contract Law be with
drawn.

Dated this 21st day of July 2025

Maria Bistline
PoA for Samuel R. Bateman

P.O. Box 3900
Adelanto Ca
92301

Certificate of Service
I hereby certify that a
true and correct copy
of the above forgoing was
sent to the clerk of the
court to be sent to all
Interested parties.

Dated this 21st day of July 2025

goes with motions
to will draw.

Samuel BAITMAN.

VS.

DIMITRA - Sampson.

Affidavit.

State of California.
County of Alameda.

I. Swear under penalty of
PERJURY. The foregoing is True.
1746.

- 1) That my name is Samuel Baitman, and
that I am currently, under the control of
The United States of America, specifically I am
being held at U.S.P. Victorville, Alameda, Cal.
92301.
- 2) That I am the defendant in the above 2255 Motion
and that all allegations stated therein are true on their
face under penalty of perjury and is contract binding, if
the government does not respond to this affidavit
they waive all rights associated with the truth of the
matter.
- 3) That when I plead guilty I plead under duress, and
I was threatened with a life sentence.
- 4) That my attorneys were ineffective in the above
said manner throughout all the proceedings. That
I have not seen all of my discovery still.
- 5) That there was no real factual basis for my plea.
And that the United States of America is an incorrect ①

plaintiff in this matter.

6) That the US Attorney, Dimitra Simpson has committed fraud upon this court

7) The statute ^{that allows the US} Prosecutors to prosecute in the name of The United States of America is Unconstitutionally fraudulent.

8) That my conviction is the result of uncorroborated statements that were placed in a journal and that any statements the defendant may have made are in violation of his miranda rights.

9) That my right to freedom of religion have been violated by The United States and its employees, and

10) And that I am actually innocent and that my plea of guilty falls legally under state contract law where I am entitled to terminate said contract at any time.

11) And that under Washington vs. Crawford I call by order of this affidavit The United States of America to the stand to defend my innocence (NOT their employees who defend by and thru their name) ~~As~~

Wherefore the above statements are true in their entirety.

Executed on this 21st day of July 2025.

x B P